



## NEW APPLICATION TRANSMITTAL

Box Divisional Patent Application  
Assistant Commissioner for Patents  
Washington D.C. 20231

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to Addressee"  
service under 37 CFR 1.10 addressed to the Box Divisional Patent  
Application, Assistant Commissioner for Patents, Washington D.C.  
20231 under "EXPRESS MAIL" mailing label number EL 730907760  
US on November 2, 2001

Cheryl M. Nichols  
Cheryl M. Nichols

Transmitted herewith for filing is the patent application of:

Inventors: James E. Moon, Timothy J. Davis, Gregory J. Galvin, Kevin A. Shaw, Paul C. Waldrop and Sharlene A. Wilson.

For: METHOD FOR FABRICATING MEMS AND MICROFLUIDIC  
DEVICES USING SMILE, LATENT MASKING, AND DELAYED  
LOCOS TECHNIQUES

### 1. Type of Application

This is a request for filing a Divisional Application under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.: 09/334,408 Prior Art Unit: 1746  
Filed: June 16, 1999 Prior Examiner: Jiri F. Smetana  
Title: IMPROVED METHODS OF FABRICATING MICROELECTRO-  
MECHANICAL AND MICROFLUIDIC DEVICES  
Inventors: James E. Moon, Timothy J. Davis, Gregory J. Galvin, Kevin A. Shaw, Paul  
C. Waldrop and Sharlene A. Wilson.

### 2. Papers Enclosed

#### A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 71 Page(s) of Specification
- 2 Page(s) of Claims (6 and 24-29)
- 1 Page(s) of Abstract
- 58 Sheets of Drawings (Figs. 1-89B)
- ☒ Formal
- ☐ Informal

**B. Other Papers Enclosed**

- ☒ Amendment to claims
    - ☒ Cancel in this application claims 1-5 and 7-23 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
    - ☒ Claim 6 has been amended as shown on the attached amendment
    - ☒ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
  - ☒ A Preliminary Amendment
  - ☒ A new Declaration and Power of Attorney is enclosed herewith
  - ☒ Information Disclosure Statement
  - ☒ Form PTO-1449
  - ☒ Petition for Acceptance of Photographs Under 37 CFR §1.84(b)
3. ☒ Amend the specification by inserting after the title and before the first line the sentence:

**--Cross Reference to Related Application**

This is a divisional application of U.S. Serial No. 09/334,408, filed June 16, 1999, the entirety of which is incorporated herein by reference.--

**4. Relate Back**

**A. 35 U.S.C. 119(e)**

- ☐ Priority of provisional application Serial No. filed, is hereby claimed under 35 U.S.C. §119(e).

**B. 35 U.S.C. 120, 121 and 365(c)**

- ☒ Priority of said prior application Ser. No. 09/334,408 filed June 16, 1999, is hereby claimed under 35 U.S.C. §120.

**C. 35 U.S.C. 119 Priority Claim for Prior Application**

- ☐ Priority of foreign application(s) No. , filed in is hereby claimed under 35 U.S.C. §119.
  - ☐ A certified copy of the above corresponding foreign application was filed in prior application Serial No. on .
  - ☐ A certified copy of the above corresponding foreign application is filed herewith.

**5. Declaration or Oath (including Power of Attorney)**

The power of attorney in the prior application is to Christopher R. Pastel, Reg. No. 37,694:

- ☒ The power appears in the New Power of Attorney form filed herewith.
- ☐ A copy of the power in the prior application is enclosed.
- ☒ Address all future communications to:

Christopher R. Pastel  
WALL MARJAMA & BILINSKI, LLP  
101 South Salina Street, Suite 400  
Syracuse, NY 13202  
Telephone: (315) 425-9000

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ the same.
- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

**7. Assignment**

The prior application is assigned of record to Kionix, Inc. at Reel 010060, Frame(s) 0065.

**8. Small Entity Status**

Small entity was established in the parent application via a verified statement filed on June 16, 1999.

**9. The filing fee has been calculated as shown below:**

- A. Filing Fee
  - ☒ Original Patent Application \$ 370.00  
(37 C.F.R. 1.16(a) --\$740.00; Small Entity--\$370.00)
- B. Fees for Claims (7 Claims; 1 Indep.)
  - ☐ each independent claim in excess of 3 \$ .00  
(37 C.F.R. 1.16(b)--\$84.00; small entity--\$42.00)
  - ☐ each claim in excess of 20 \$ .00  
(37 C.F.R. 1.16(c)--\$18.00; small entity--\$9.00)
  - ☐ multiple dependent claim(s) \$ .00  
(37 C.F.R. 1.16(d)--\$280.00; small entity--\$140.00)
- C. ☐ Assignment Fee \$ .00

**Total Fees Due \$ 370.00**

**10. Payment of Fees and Authorization to Charge Additional Fees  
or Credit Overpayment**

- ☒ A check in the amount of \$370.00 is enclosed.
- ☒ A check in the amount of \$130.00 is enclosed.
- ☐ Charge Deposit Account 50-0289 in the amount of .
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.
  - ☒ Any additional filing fees required under 37 CFR 1.16.
  - ☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Wall, Marjama & Bilinski, LLP

11/2/01  
Date

*Christopher R. Pastel*  
Christopher R. Pastel  
Reg. No. 37,694

CRP/cmn

Customer No.:



20874

PATENT TRADEMARK OFFICE



#4

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

February 8, 2002

James E. Moon et al.

Docket No.: 989\_001DIV2

Ser. No.: 10/003,851

Art Unit: 1746

Filed: November 2, 2001

Examiner: Not Assigned

For: METHOD FOR FABRICATING MEMS AND MICROFLUIDIC  
DEVICES USING SMILE, LATENT MASKING, AND DELAYED  
LOCOS TECHNIQUES

Assistant Commissioner for Patents  
Washington, DC 20231

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail  
addressed to Assistant Commissioner for Patents,  
Washington D.C. 20231, on Feb. 12, 2002  
*Cheryl M. Nichols*  
Cheryl M. Nichols

## PETITION UNDER 37 CFR 1.17(h)

Sir:

Applicant hereby responds to the Notice of Omitted Item(s) In A Non-Provisional Application dated January 4, 2002 regarding the above-captioned matter.

Attached please find the following items in support of Applicant's claim that Figures 6A, 6B and 14 described in the specification were filed with the United States Patent and Trademark Office concurrently with the patent application on November 2, 2001:

1. A copy of the returned postcard that originally accompanied the patent application date-stamped by the United States Patent and Trademark Office;
2. A copy of the New Application Transmittal listing the Petition for Acceptance of Photographs Under 37 CFR § 1.84(b) under Section 2B;
3. A copy of the Petition for Acceptance of Photographs Under 37 CFR §1.84(b) and Transmittal of Fee Under 37 CFR §1.17(i);
4. A copy of Fig. 6a, Fig. 6b, and Fig. 14, which were originally submitted with the patent application as black and white photographs; and
5. A copy of both sides of canceled check no. 003079 remitting the \$130.00 fee for submission of photographs.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:



Christopher R. Pastel

Reg. No. 37,694

CRP/cmn

Customer No.:



20874

PATENT TRADEMARK OFFICE